

12-20-04

1PW 1652



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of:

BERRY et al.

Serial No.: 10/024,460

Filed: December 17, 2001

Atty. File No.: 3161-18-C1-1

For: PROCESS AND MATERIALS FOR  
PRODUCTION OF GLUCOSAMINE )

) Group Art Unit: 1652

) Examiner: Fronda, C.L.

) RESPONSE TO  
) RESTRICTION REQUIREMENT

) **EXPRESS MAIL: EV493476011US**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This response is filed in response to a second Restriction Requirement having a mailing date of November 18, 2004. This response is believed to be timely and therefore, no fees are enclosed. In the event that fees are due in connection with this response, please debit Deposit Account No. 19-1970.

The Examiner has withdrawn the prior restriction requirement and instituted the following new restriction of the claims into three groups as follows:

Group I (Claims 61-72), directed to the method of glucosamine production using a *lac* promoter in conjunction with the glucosamine-6-phosphate synthase;

Group II (Claims 73-77), directed to the method of glucosamine production using an organism that has the synthase modification and at least one modification to increase the activity of a phosphatase; and

Group III (Claims 78-80), directed to the method of glucosamine production using a microorganism that has at least one genetic modification in the synthase, where the culture method is performed within a specified temperature range.

In addition, if Group I is elected, the Examiner has requested an election of a single disclosed protein from Claim 70. The Examiner has not specified whether this is intended to be a species election or a restriction requirement.

Applicants provisionally elect, without traverse, to prosecute the claims of Group I (Claims 61-72). With regard to Claim 70, Applicants provisionally elect, with traverse, to prosecute "glucosamine-6-phosphate deaminase". With regard to the election within Claim 70, Applicants submit that Claim 70 depends from and therefore further limits Claim 61, and therefore, a thorough search and examination of Claim 61 should be sufficient to examine Claim 70. Moreover, Applicants submit that Claim 61 is a linking claim and therefore, the restriction should only be applicable upon the non-allowance of Claim 61.

In view of the foregoing remarks, Applicants respectfully request that the Examiner withdraw the Restriction Requirement as to the proteins of Claim 70.

Respectfully submitted,

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Date: December 16, 2004